

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Eastern District of Tennessee
(State)

Case number (if known): _____ Chapter _____

☐ Check if this is an
amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Neopharma Tennessee LLC

2. All other names debtor used
in the last 8 years _____

Include any assumed names,
trade names, and *doing business*
as names _____

3. Debtor's federal Employer
Identification Number (EIN) 8 4 - 3 7 9 5 5 0 8

4. Debtor's address

Principal place of business	Mailing address, if different from principal place of business
<u>201 Industry Drive</u> Number Street	_____ Number Street
<u>Bristol, Tennessee 37620</u> City State ZIP Code	_____ P.O. Box
<u>Sullivan</u> County	_____ City State ZIP Code
	Location of principal assets, if different from principal place of business
	_____ Number Street
	_____ City State ZIP Code

5. Debtor's website (URL) N/A

Debtor	Neopharma Tennessee LLC	Case number (if known) _____
Name		

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

7. Describe debtor's business

A. *Check one:*

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. *Check all that apply:*

☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

3 2 5 4

8. Under which chapter of the Bankruptcy Code is the debtor filing?

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

Check one:

☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. *Check all that apply:*

☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☐ A plan is being filed with this petition.

☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.

☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

Debtor	Neopharma Tennessee LLC <small>Name</small>	Case number (if known)
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9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years? <small>If more than 2 cases, attach a separate list.</small>	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. District _____ When _____ Case number _____ <div style="text-align: center;"><small>MM / DD / YYYY</small></div></div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>District _____ When _____ Case number _____ <div style="text-align: center;"><small>MM / DD / YYYY</small></div></div></div>	
<hr/>		
10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? <small>List all cases. If more than 1, attach a separate list.</small>	<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No</div><div><input checked="" type="checkbox"/> Yes. Debtor <u>Neopharma, Inc.</u> Relationship <u>Parent company</u> District <u>Eastern District of Tennessee</u> When _____ <div style="text-align: center;"><small>MM / DD / YYYY</small></div> Case number, if known _____</div></div>	
<hr/>		
11. Why is the case filed in this district?	<p><i>Check all that apply:</i></p> <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.</div><div><input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.</div></div>	
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12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.</div></div> <p>Why does the property need immediate attention? <i>(Check all that apply.)</i></p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety. <div style="margin-left: 20px;">What is the hazard? _____</div></div><div><input type="checkbox"/> It needs to be physically secured or protected from the weather.</div><div><input type="checkbox"/> It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).</div><div><input type="checkbox"/> Other _____</div></div> <p>Where is the property? _____</p> <div style="display: flex; justify-content: space-between;"><div>Number _____ Street _____</div><div>City _____ State ZIP Code _____</div></div> <p>Is the property insured?</p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No</div><div><input type="checkbox"/> Yes. Insurance agency _____ <div style="margin-left: 20px;">Contact name _____ Phone _____</div></div></div>	
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Statistical and administrative information		

Debtor Neopharma Tennessee LLC
Name

Case number (if known)

13. Debtor's estimation of
available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of
creditors

- ☒ 1-49
☐ 50-99
☐ 100-199
☐ 200-999
☐ 1,000-5,000
☐ 5,001-10,000
☐ 10,001-25,000
☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

15. Estimated assets

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☐ \$500,001-\$1 million
☒ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million
☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

16. Estimated liabilities

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☐ \$500,001-\$1 million
☒ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million
☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

Request for Relief, Declaration, and Signatures

WARNING – Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of
authorized representative of
debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/22/2020
MM/DD/YYYY

x

Signature of authorized representative of debtor

Title Chief Restructuring Officer

David Argyle

Printed name

Debtor Neopharma Tennessee LLC
Name

Case number (if known) _____

18. Signature of attorney

X Mark S. Dessauer

Signature of attorney for debtor

Date 12/22/2020
MM / DD / YYYY

Mark S. Dessauer

Printed name

Hunter, Smith & Davis, LLP

Firm name

1212 North Eastman Road

Number Street

Kingsport

City

TN

State

37664

ZIP Code

(423) 378-8840

Contact phone

dessauer@hdsdlaw.com

Email address

10421

Bar number

TN

State